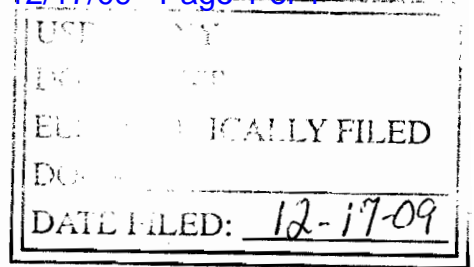


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



SABRINA HART, ET AL.,

Plaintiffs,

09 Civ. 3043 (JGK)

- against -

ORDER

RICK'S CABARET INT'L INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

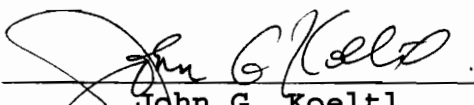
For the reasons explained on the record today, the Second Amended Complaint is **dismissed without prejudice** as to RCII. The defendants' motion to dismiss the Second Amended Complaint for failure to join indispensable parties is **denied without prejudice** to renewal after discovery. The defendant's motion to dismiss for failure to state a claim under the Fair Labor Standards Act is **denied**. The plaintiffs' motions to supplement the record and for conditional class certification are **granted**. The defendants' objections to the Magistrate Judge's rulings are **overruled**.

The parties' submissions with regard to notice of the collective action and the plan for distribution are due **January 8, 2010**.

The Clerk is directed to close Docket Nos. 15, 23, and 45.

SO ORDERED.

Dated: New York, New York
December 16, 2009


John G. Koeltl
United States District Judge